IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 764 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GUNVANT ALIAS GULO KANJIBHAI

Versus

SUB DIVISIONAL MAGISTRATE

Appearance:

1. Special Criminal Application No. 764 of 2000

MR BA SURTI for Petitioner No. 1

MR KT DAVE APP for respodnents

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 24/08/2001

ORAL JUDGEMENT

1. In this petition filed under Article 226/227 of the Constitution, petitioner has challenged the order dated July 30, 1999 passed by Sub-Divisional Magistrate, Palitana, by which the petitioner came to be externed for a period of two years.

2. At the time of admission of the petition, this Court has issued notice and interim relief in terms of para 4 (c) and by virtue of the said interim relief, order of externment was not executed. Thereafter rule was issued.

3. I have heard Mr. Surti, learned advocate for the petitioner and Mr. K.T. Dave, learned APP for the respondents. I have also perused the averments made in the petition.

4. It may be stated that order of externment came to be passed on July 30, 1999 for a period of two years. Therefore, in view of the lapse of two years this petition has now become infructuous and deserves to be disposed of.

5. For the foregoing reasons, the petition is disposed of as it has become infructuous. Rule is discharged. Interim relief granted earlier stands vacated. Direct service is permitted.

24.8.2001. (A.M. Kapadia, J.)

(karan)